

**MARICOPA COUNTY BOARD OF SUPERVISORS MINUTE BOOK**

**INFORMAL SESSION  
January 16, 2007**

The Board of Supervisors of Maricopa County Arizona convened in Informal Session at 10:00 a.m., January 16, 2007, in the Courtyard of the Superior Court Building, 201 W. Jefferson, Phoenix, Arizona, with the following members present: Fulton Brock, Chairman, District 1; Andrew Kunasek, Vice Chairman, District 3; Don Stapley, District 2; Max W. Wilson, District 4; and Mary Rose Wilcox, District 5. Also present: Fran McCarroll, Clerk of the Board; Liz Evans, Minutes Coordinator; David Smith, County Manager; and Victoria Mangiapane, Deputy County Attorney. Votes of the Members will be recorded as follows: aye-nay-absent-abstain.

**BRING BACK BLUE CLEAN AIR INITIATIVE - NEWS CONFERENCE**

Board members hosted a news conference to announce the County's *Bring Back Blue* Clean Air Initiative. Staff from the Air Quality Department unveiled a new advertising/marketing campaign to help reduce particulate pollution and encourage the participation of Maricopa County citizens and the media. There was discussion regarding health and aesthetic issues of particulate matter, specifically children's health, elder health and asthma. Board members introduced the following "Dirty Dozen" tips as twelve dust-reducing tips that citizens can use to fight particulate pollution:

1. Drive less, particularly on pollution advisory days. Reduce the number of trips you take in your car.
2. Do not drive in the dirt.
3. Drive slowly on unpaved roads.
4. Do not use leaf blowers and other equipment that raise a lot of dust.
5. Avoid using gas-powered lawn and garden equipment.
6. Maintain your landscape. Cover loose dirt with vegetation or gravel.
7. Reduce fireplace and woodstove use, and don't use your wood-burning fireplace or stove on no-burn days.
8. Consider using gas instead of wood. If you use a wood-burning stove, or fireplace insert, make sure it meets Environmental Protection Agency (EPA) design specifications and burn only dry, seasoned wood.
9. Conserve electricity.
10. Do not burn leaves, trash or other materials.
11. Report serious offenders to the Maricopa County Air Quality Department at (602) 372-2703.
12. Support laws, rules and efforts to make the air healthier.

Everyone was invited to visit the web site at [www.BringBackBlue.org](http://www.BringBackBlue.org) to learn more about improving the quality of air in Maricopa County. (C8507015100) (ADM2375)

**RECESS AND RECONVENE  
Supervisors' Conference Room  
301 West Jefferson – 10<sup>th</sup> Floor  
Phoenix, Arizona**

**CLEAN AIR AWARD**

Item: The American Lung Association presented the Board of Supervisors its Clean Air Award for 2006. The award was created in honor of the outstanding efforts the Maricopa County Air Quality Department made to clean the air in 2006. (C8507016M00) (ADM650)

Nancy Cohrs, Executive Director, American Lung Association of Arizona

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Ms. Cohrs stated that the award was to recognize significant achievements by the Maricopa County Air Quality Department for fiscal year 2005-2006. The first achievement Ms. Cohrs addressed was the Compliance and Enforcement Program, where substantial actions were taken against violators, resulting in over \$3 million in penalties. The second significant achievement was the Industry Challenge Good Neighbor Partnership, a voluntary emission reduction program that has lead to approximately nine tons of emission reductions in the first year alone. Ms. Cohrs also mentioned other County initiatives aimed at improving air quality such as the monthly Brown Bag Seminars, the Maricopa County Arizona Association of Industries Annual Symposium, and the First Annual Blue Sky Innovation Award. Ms. Cohrs concluded by saying "the American Lung Association appreciates your efforts in helping our community breathe easier."

Chairman Brock thanked Ms. Cohrs on behalf of the Board of Supervisors and the entire County for the award. The Chairman also expressed appreciation to Bob Kard and his staff in the Air Quality Department for taking aggressive steps in calling on the entire business as well as residential community to work together to come into compliance with the EPA standards by working together.

Mr. Kard recognized the Air Quality staff, and thanked the Board of Supervisors, County Manager David Smith and Assistant County Manager Joy Rich for their support.

**ALPHA PROGRAM PRESENTATION**

Item: Presentation regarding the ALPHA in-jail substance abuse treatment program managed by the Maricopa County Sheriff's Office. (ADM3901)

Thelda Williams, Sheriff's Office  
Jeff Esser, Presenter

Thelda Williams explained that the ALPHA Program is a substance abuse treatment and education program for County inmates. The program began in March of 1996 and over 3600 inmates have graduated from the program. The program provides treatment, counseling and referral services to reduce the rate of recidivism.

Ms. Williams provided an overview of the program including funding, entry requirements, and program components. The ALPHA program is done in three phases - pre, primary and post. Inmates are held highly accountable and must fully participate in the program. The "pre" phase prepares, educates, and compels participants to acknowledge that they have a problem and need help. The primary phase consists of intense group counseling, aimed not only at substance abuse treatment but at identifying and dealing with other traumatic life experiences that are contributing to the substance abuse problem. The post ALPHA phase is a transitional phase where inmates plan for every aspect of their lives once released from jail so as to maximize conditions for success.

Ms. Williams said that planning has begun on an ALPHA II program designed to address inmates with a dual-diagnosis of mental illness and drug abuse, but counselors need to be in place before that begins. She expressed concern about the difficulty they've had hiring qualified counseling staff due to less than competitive wages and hiring practice issues.

Ms. Williams said they have estimated that the program has saved the County over \$96 million dollars in jail costs alone. She added that the average recidivism rate for ALPHA graduates is only 17%, while the national average is about 65%.

Ms. Williams introduced Jeff Esser, a successful graduate of the ALPHA Program. Mr. Esser related how his drug use started during his tour in Vietnam and got progressively worse over the next 27 years until it

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had completely taken over his life. Mr. Esser's first arrest was in 1988, and from then until 2005 he was either in jail or prison, on probation or on parole. He was arrested more than 100 times during that period, all related to his drug use. In 2002, Mr. Esser was facing a 10-year prison term when Judge Fenzel decided to give him a chance at rehab in the ALPHA Program.

Mr. Esser successfully graduated from the program and went on to find employment with the federal government. He has stayed clean and sober since 2002 and credits the program for giving him the tools to get his life back on track.

**~ Supervisor Kunasek left the meeting and did not return ~**

**FEDERAL LEGISLATIVE ISSUES UPDATE**

Item: Presentation regarding potential Maricopa County federal issues and priorities, including update on federal legislation. Discussion included a 2006 recap and a brief overview of the new Congress. (C2007037M00) (ADM1650)

Diane Sikokis, Government Relations Director

Christopher T. Cushing, WolfBlock Public Strategies

Christopher Cushing explained that he and his colleague, Jennifer Carroll, were in Phoenix meeting with a number of County officials to understand the County's priorities and issues concerning federal legislation. Mr. Cushing stated that he would be presenting a general overview of what's happening in Washington with regards to funding for fiscal year 2007, program reauthorizations, and regulatory issues.

Mr. Cushing said the Arizona delegation now has a member on the Transportation Authorization Committee. He added that the Arizona delegation no longer has a member on the Judiciary Committee in the House, which could impact the delegation's effectiveness regarding immigration issues.

Regarding appropriations, two bills have been passed; the Defense Appropriations Bill and the Homeland Security Bill. One program under the Homeland Security Bill that is important to the County is the Emergency Performance Grant Program, where there was a slight increase of \$15 million, but overall, funding is down.

Other funding is operating under a "continuing resolution" through February 15, 2007. The amount of funding made available for any individual program is the least of three different amounts, the FY 2006 appropriated amount, the FY 2007 Senate recommended appropriation or the FY 2007 House recommended appropriation. Mr. Cushing commented that overall, this results in generally level funding.

Looking forward to 2008, Mr. Cushing believes that there will be some opportunities to ask for some special requests for Luke Air Force Base, since Luke already has programs authorized to improve the runway and other physical plant programs. For 2008, the County will be able to re-submit for some programs that were pending, such as Criminal Justice programs including the ALPHA Program and the Teen Court, as well as dam rehabilitation and flood control programs.

There will be some major reauthorizations that Mr. Cushing and his staff will be watching in 2007, such as Head Start, the Children's Health Insurance Program, No Child Left Behind, and the Service Transportation Reauthorization.

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The Community Development Block Grant will probably not be in much jeopardy in Congress, but may be in some jeopardy in the President's upcoming budget with regards to funding and program management. However, Congress may look for additional funding.

Telecommunications was a very big issue in the last Congress to the detriment of local governments with respect to access, right-of-way, and franchises. Mr. Cushing said it is unknown if it will come back as an issue with this Congress.

Two other high profile areas will likely be air quality and environmental issues focusing on alternative fuels and energy, as well as a major emphasis on affordable housing. Mr. Cushing stated that immigration will be the final significant issue facing Congress, and the change in Congress has made it more likely that major immigration reforms will take place sometime this year.

Supervisor Wilcox asked Mr. Cushing to comment on what was being dubbed as the "100 hours" by the media. Mr. Cushing said that there were two issues involved in the "100 hours" that were of local interest. The first one involves raising the national minimum wage to \$7.25 per hour, and the second involves reducing the interest rate on student loans. Mr. Cushing said that his staff would provide the Board with a memo describing the issues being raised during the first "100 hours" of the new Congress in more detail.

**REGIONAL SCHOOL DISTRICT #509 VOUCHERS/WARRANTS**

Item: The Board of Supervisors, pursuant to its authority granted in A.R.S. §15-1001, will consider for approval vouchers presented by the County School Superintendent of Maricopa County to draw warrants on the County Treasurer against Maricopa County Regional School District #509 School District funds for necessary expenses against the school district and obligations incurred for value received in services as shown in the Vouchers. (ADM3814-003)

The Board of Supervisors may consider ratifying any Maricopa County Regional School District #509 vouchers and/or warrants approved in accordance with the procedures of A.R.S. §15-321 since the last meeting of the Board of Supervisors. The Board of Supervisors may hear staff reports on the vouchers and warrants being considered. The Vouchers are on file in the Maricopa County's Clerk of the Board's office and are retained in accordance with ASLAPR approved retention schedule. (ADM3814-003)

Motion was made by Supervisor Stapley, seconded by Supervisor Wilcox and unanimously carried (4-0-1) regarding action on the following voucher:

Ratify Voucher # 6021

\$62,634.85

No staff updates were given to the Board of Supervisors on regional schools operations and finances. Supervisor Wilcox requested that a status report be presented to the Board within the next 30 days. (ADM3814-005)

**EXECUTIVE SESSION**

Motion was made by Supervisor Wilcox, seconded by Supervisor Wilson, and unanimously carried (4-0-1) to recess and reconvene in Executive Session in the Tom Sullivan Conference Room to consider items listed on the Executive Agenda, pursuant to listed statutory authority, as follows.

**LEGAL ADVICE; PENDING OR CONTEMPLATED LITIGATION - ARS §38-431.03(A)(3) AND (A)(4)**

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**Compromise Cases** – Barbara Caldwell, Outside Counsel  
Newman, Sheryl  
Wertz, Eric

**LEGAL ADVICE; PENDING OR CONTEMPLATED LITIGATION - ARS §38-431.03(A)(3) AND (A)(4)**

**Salas v. Maricopa Medical Center**

Christopher Keller, Deputy County Attorney  
Peter Crowley, Risk Manager  
Ted Howard, Claims Manager, **did not attend**  
Jean Bowman, Claims Adjuster, **did not attend**  
Robin E. Burgess, Sanders and Parks

**LEGAL ADVICE; PENDING OR CONTEMPLATED LITIGATION; SETTLEMENT DISCUSSIONS  
CONDUCTED IN ORDER TO AVOID OR RESOLVE LITIGATION – ARS §38-431.03(A)(3) AND (A)(4)**

**Brillard v. Maricopa County, et al., CV2005-019812 (Maricopa County Superior Court)**

Scott Zwilling, Outside Counsel  
Dennis Wilenchik, Outside Counsel, **did not attend**  
Lindy Funkhouser, Director, Correctional Health Services  
David Hendershott, Chief Deputy, Sheriff's Office, **did not attend**  
Peter Crowley, Risk Manager  
Bruce White, Deputy County Attorney  
John MacIntyre, Sheriff's Office

**Galaviz Saldana v. Maricopa County, et al., CV-06-0673-PHX-DGC**

Richard Strohm, Outside Counsel  
Dan Jantsch, Outside Counsel, **did not attend**  
Lindy Funkhouser, Director, Correctional Health Services  
David Hendershott, Chief Deputy, Sheriff's Office, **did not attend**  
Patrick Spencer, Risk Management Department  
Bruce White, Deputy County Attorney  
John MacIntyre, Sheriff's Office

**Mario and Gloria Yarbrough v. Maricopa County, et al., No. CV2006-017816**

Gary Fadell, Outside Counsel  
Kathy Wieneke, Outside Counsel  
David Hendershott, Chief Deputy, Sheriff's Office, **did not attend**  
Peter Crowley, Risk Manager  
Patrick Spencer, Risk Management Department  
Bruce White, Deputy County Attorney

**LEGAL ADVICE; PENDING OR CONTEMPLATED LITIGATION – ARS §38-431.03(A)(3) and (A)(4) -  
CONTINUED**

**Christina L. Jimenez v. Maricopa County, et al., CV2005-023518**

John MacIntyre, Maricopa County Sheriff's Office  
David Hendershott, Chief Deputy, Sheriff's Office  
Peter Crowley, Risk Manager

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Bruce White, Deputy County Attorney  
Rebecca Salisbury, Deputy County Attorney

**LEGAL ADVICE; PENDING OR CONTEMPLATED LITIGATION; SETTLEMENT DISCUSSIONS  
CONDUCTED IN ORDER TO AVOID OR RESOLVE LITIGATION – ARS §38-431.03(A)(3) AND (A)(4)**

**Orthologic v. Maricopa County, TX2004-000657**  
**Orthologic v. Maricopa County, TX2005-050343**  
**Papago Spectrum v. Maricopa County, TX2004-000699**  
**Papago Spectrum v. Maricopa County, TX2005-050389**  
**Conocophillips v. Maricopa County, TX2004-000700**  
**DHL Express, v. Maricopa County, TX2004-000969**  
**DHL Express v. Maricopa County, TX2005-050385**  
Keith Russell, Maricopa County Assessor  
Roberta Livesay, Helm & Kyle  
Jean Rice, Deputy County Attorney

**PERSONNEL MATTERS – PROMOTION, DEMOTION, SALARY, ETC. – ARS §38-431.03(A)(1) -  
WITHDRAWN**

**Chief Deputy, Superintendent of Schools, Salary Consideration**  
Sandra E. Dowling, Ed.D., Superintendent of Schools, or designee(s)  
Sandi Wilson, Deputy County Manager  
Shawn Nau, Total Compensation

**LEGAL ADVICE; PENDING OR CONTEMPLATED LITIGATION – ARS §38-431.03(A)(3) and (A)(4)**

**Claim against James Mayo**  
Ted Howard, Claims Manager, Risk Management  
John Paulsen, Deputy County Attorney

**Claim against Marina Gonzalez**  
Ted Howard, Claims Manager, Risk Management  
John Paulsen, Deputy County Attorney

**Claim against Eric Oloff**  
Ted Howard, Claims Manager, Risk Management  
John Paulsen, Deputy County Attorney

**LEGAL ADVICE; CONTRACTS SUBJECT TO NEGOTIATION – ARS §38-431.03(A)(4)**

**Intergovernmental Agreement with State of Arizona, Department of Administration, Workers  
Compensation Program for Court Employees**  
Peter Crowley, Risk Manager  
John Paulsen, Deputy County Attorney

**LEGAL ADVICE; CONTRACTS SUBJECT TO NEGOTIATION – ARS §38-431.03(A)(3) AND (A)(4)**

**Chandler Fire Service Intergovernmental Agreement**

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Richard Bohan, Government Relations  
Kevin Costello, Deputy County Attorney  
Bruce White, Deputy County Attorney  
Lisa Keegan, Communications Consultant  
Chiefs of Staff Latto, Canfield, Bloom, Isham, Leija

**LEGAL ADVICE; CONTRACTS SUBJECT TO NEGOTIATION – ARS §38-431.03(A)(3) AND (A)(4)**

**Maricopa Medical Center Lease Amendment**

Christopher Keller, Deputy County Attorney  
Tom Manos, Chief Financial Officer  
Sandi Wilson, Deputy County Manager

**MEETING ADJOURNED**

At the conclusion of discussion on the above items and there being no further business to come before the Board, the meeting was adjourned.

ATTEST:

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Fulton Brock, Chairman of the Board

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Fran McCarroll, Clerk of the Board